

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JOEVONE M. JORDAN,

Plaintiff,

v.

Case No. 20-CV-1807

ROBERT WEINMAN,

Defendant.

ORDER

On November 8, 2021, *pro se* plaintiff Joevone M. Jordan filed a motion to compel documents related to his case. (ECF No. 19). On November 19, 2021, Jordan filed a motion to stay the amended complaint. (ECF No. 24.) This order resolves those motions.

1. Motion to Compel (ECF No. 19)

The court notes that Jordan filed one motion and stated that it applied to both this case and Case No. 20-1809, also before this court. In the future, Jordan must treat each case individually and file separate motions in each of his cases.

In his motion, Jordan requests that the court order the Health Services Unit at Waupun Correctional Institution where he is incarcerated to produce his medical records. He also asks for copies of all filings and correspondences to date in both of

his cases. He states that when he was in segregation in October he lost his case materials.

Regarding his medical records, the defendants respond that they never received document requests from Jordan. (ECF No. 25.) Because Jordan never requested the documents, the court denies his motion to compel. To get the records he seeks, Jordan must use the discovery process—specifically, requests for production of documents, served on the defendant,. Instructions on how to use the discovery process are contained both in the court’s scheduling order dated October 1, 2021 (ECF No. 18) and in the *pro se* prisoner guide Jordan received with his scheduling order. Considering that Jordan states he lost all of his documents, the court will direct the Clerk’s office to resend the scheduling order and the prisoner guide.

With regard to the rest of the documents Jordan seeks, the court will include a copy of the docket. Jordan may then write a letter to the Clerk’s office indicating which documents he requires. Jordan should be aware that copy fees apply, and the Clerk’s office will send him an invoice that must be paid prior to the Clerk’s office sending the requested copies.

2. Motion to Stay the Amended Complaint (ECF No. 24)

Jordan also filed a motion entitled, “motion to stay the amended complaint.” Jordan appears to be asking for more time to file an amended complaint because he was not aware at the time he filed his complaint that his claims should have been described claims for deliberate indifference to medical needs instead of just general deliberate indifference claims. The court notes that Jordan was allowed to proceed on

an Eighth Amendment claim for deliberate indifference to medical needs against the defendant. If his purpose in amending the complaint is to clarify that he is stating a deliberate indifference to medical needs claim, an amended complaint is unnecessary.

Also, there is no current deadline for amending a complaint. Accordingly, the court will deny Jordan's motion. If Jordan wishes to amend his complaint, he must follow Federal Rule of Civil Procedure 15(a)(2), which states he may file an amended complaint if he either obtains written consent of the defendant or he obtains permission from the court. In other words, Jordan needs to either seek written permission from the defendant or file a motion to amend his complaint for the court's consideration. If Jordan files a motion, he must follow Civil Local Rule 15, which states that a party must include with his motion a complete copy of the amended complaint and explain what changes he is seeking to make to his original complaint with the amended complaint.

IT IS THEREFORE ORDERED that Jordan's motion to compel (ECF No. 19) is **DENIED**.

IT IS FURTHER ORDERED that the Clerk's office shall mail Jordan a copy of the October 1, 2021 scheduling order (ECF No. 18) and a copy of the *pro se* prisoner guide.

IT IS FURTHER ORDERED that Jordan's motion to stay the amended complaint (ECF No. 24) is **DENIED**.

Dated in Milwaukee, Wisconsin this 17th day of December, 2021.

BY THE COURT

A handwritten signature in black ink that reads "William E. Duffin". The signature is written in a cursive style and is positioned above a solid horizontal line.

WILLIAM E. DUFFIN
United States Magistrate Judge